

01  
02  
03  
04  
05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 UNITED STATES OF AMERICA, ) CASE NO. MJ 18- 513  
08 Plaintiff, )  
09 v. ) DETENTION ORDER  
10 HECTOR PAYAN-CRUZ, )  
11 Defendant. )  
12 \_\_\_\_\_ )

13 Offenses charged:

14 Count 1 - Conspiracy to Distribute Heroin, 100+ grams

15 Count 2 – Conspiracy to Distribute Heroin, 100+ grams

16 Count 3 – Possession of Heroin with Intent to Distribute, 100+ grams

17 Date of Detention Hearing: November 2, 2018

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
19 based upon the factual findings and statement of reasons for detention hereafter set forth,  
20 finds that no condition or combination of conditions which defendant can meet will  
21 reasonably assure the appearance of defendant as required and the safety of other persons and  
22 the community.

01  
02 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 03 (1) Defendant did not consent to be interviewed by the Pretrial Services Office.  
04 This limited the information available to the court as to his background and his  
05 eligibility for release.
- 06 (2) Upon advice of his counsel, defendant stipulated to the entry of an Order of  
07 Detention.
- 08 (3) The Complaint charges drug offenses, each of which carries a maximum  
09 penalty in excess of ten years. This creates a rebuttable presumption of  
10 detention, both for dangerousness and flight risk. Defendant offered nothing to  
11 rebut that presumption.
- 12 (4) Defendant was born in Mexico, and is a Mexican citizen. The legality of his  
13 status in the United States is unknown.
- 14 (5) Defendant failed to appear for a hearing in King County Superior Court earlier  
15 this year. That court issued a bench warrant, which is still outstanding.
- 16 (6) He has at least two different aliases, and two different dates of birth.
- 17 (7) The court concurs in the recommendation of the Pretrial Services Office that  
18 defendant be detained.
- 19  
20  
21  
22

01 It is therefore ORDERED:

- 02 1. Defendant shall be detained pending trial and committed to the custody of the  
03 Attorney General for confinement in a correction facility separate, to the extent  
04 practicable, from persons awaiting or serving sentences or being held in custody  
05 pending appeal;
- 06 2. Defendant shall be afforded reasonable opportunity for private consultation with  
07 counsel;
- 08 3. On order of the United States or on request of an attorney for the Government, the  
09 person in charge of the corrections facility in which defendant is confined shall deliver  
10 the defendant to a United States Marshal for the purpose of an appearance in  
11 connection with a court proceeding; and
- 12 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel  
13 for the defendant, to the United States Marshal, and to the United State Pretrial  
14 Services Officer.

15 DATED this 2nd day of November 2018.

16  
17 s/ John L. Weinberg  
United States Magistrate Judge